



Entered on Docket
March 29, 2010

A handwritten signature in black ink, appearing to read "Mike K. Nakagawa".

Hon. Mike K. Nakagawa
United States Bankruptcy Judge

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HSBC Bank USA as Trustee for Nomura Asset Acceptance Corporation Mortgage Pass Through
Certificates Series 2005-AR6
10-70383

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

Kosta G. Bakalas

Debtor.

BK-S-10-10250-mkn

Date: 3/3/2010
Time: 1:30 pm

Chapter 7

ORDER VACATING AUTOMATIC STAY

1
2 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic Stay in the
3 above-entitled bankruptcy proceedings is immediately vacated and extinguished for all purposes as to
4 Secured Creditor HSBC Bank USA as Trustee for Nomura Asset Acceptance Corporation Mortgage
5 Pass Through Certificates Series 2005-AR6, its assignees and/or successors in interest, of the subject
6 property, generally described as 7100 Pirates Cove Road #2041, Las Vegas, NV 89145, and legally
7 described as follows:

8 PARCEL I (COMMON AREAS) :

9 An undivided 1/24 interest in Phase 3 as tenant in common in the Common Areas of
10 HIGHGATE CONDOMINIUMS, as shown by map thereof on file in Book 50 of Plats, page 44,
in the Office of the County Recorder of Clark County, Nevada.

11 EXCEPTING AND RESERVING, to the United States all oil, gas and other mineral
12 deposits in the land so patented, together with the right to prospect for, mine and remove the
13 same according to the provisions of said Act of June 1, 1938.

14 FURTHER EXCEPTING THEREFROM all Living Units, Private Streets and Association
Common Areas within Phase 3 of said subdivision.

15 AND RESERVING THEREFROM the right to possession of all those areas designated as
16 Exclusive Use Area as shown upon the Condominium Plat referred to above, and further
17 described in the Declaration of Covenants, Conditions And Restrictions, to which reference is
hereafter made.

18 AND FURTHER RESERVING THEREFROM for the benefit of the owners of condominiums
19 in all prior and subsequent Phases, non-exclusive easements for ingress to, egress from and
20 recreational use of the common areas in said Phase, subject to the terms and as more particularly
21 set forth in the Declaration of Covenants, Conditions And Restrictions to which reference is
hereafter made, excepting from the Common Area, any residential buildings thereon and any
portion thereof which is designated as an exclusive use area.

22 PARCEL II (LIVING UNIT) :

23 Living Unit No. 2041 in Building 8 as shown upon the condominium plat referred
to above.

24 PARCEL III (EXCLUSIVE USE AREAS) :

25 The exclusive right to use, possession and occupancy of the portions of the Common Area
26 shown on the condominium plat further described in the Declaration of Covenants, Conditions
And Restrictions, to which reference is hereafter made, as balconies, patios (including storage

1 and water heater closets), stairways and assigned parking areas, which said exclusive right is an
2 appurtenance to Parcel II above.

3 **PARCEL IV (PHASED AREAS) :**

4 A non-exclusive easement for ingress to, egress from and recreational use of the Common Area
5 in all previous and subsequent phases, which easement is appurtenant to Parcels I, II and III
6 above. This easement shall be effective only until recordation prior to the expiration of the right
7 to annex subsequent phases of development to the effects of the Declaration of Covenants,
8 Conditions And Restrictions to which reference is hereafter made.

9 **PARCEL V (ASSOCIATION COMMON AREA) :**

10 A non-exclusive easement for ingress to, egress from and recreational use of the
11 Association Common Area as shown upon the condominium plan referred to above and
12 as more particularly set forth in the Declaration of Covenants, Conditions And
13 Restrictions to which reference is hereafter made.

14 Submitted by:

15 **WILDE & ASSOCIATES**

16 By: 
17 **Gregory L. Wilde, Esq.**
18 Attorney for Secured Creditor

19 **APPROVED / DISAPPROVED**

20 By: _____
21 Frank J. Sorrentino
22 Attorney for Debtor(s)

23 **APPROVED / DISAPPROVED**

24 By: _____
25 James F. Lisowski, Sr.
26 Chapter 7 Trustee

1 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

2 ☐ The court waived the requirements of LR 9021.

3 ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

4 ☐ No parties appeared or filed written objections, and the trustee is the movant.

5 ☒ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a
6 copy of this proposed order to all counsel who appeared at the hearing, and any trustee
7 appointed in this case, any unrepresented parties who appeared at the hearing, and each has
8 approved or disapproved the order, or failed to respond, as indicated below:

9 Debtor's counsel:

10 ☐ approved the form of this order ☐ disapproved the form of this order

11 ☐ waived the right to review the order and/or ☒ failed to respond to the document

12 ☐ appeared at the hearing, waived the right to review the order

13 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

14 Trustee:

15 ☐ approved the form of this order ☐ disapproved the form of this order

16 ☐ waived the right to review the order and/or ☒ failed to respond to the document

17 ☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all
18 counsel who appeared at the hearing, and any trustee appointed in this case any unrepresented
19 parties who appeared at the hearing, and each has approved or disapproved the order, or failed to
20 respond, as indicated below.

21 Debtor's counsel:

22 ☐ approved the form of this order ☐ disapproved the form of this order

23 ☐ waived the right to review the order and/or ☐ failed to respond to the document

24 ☐ appeared at the hearing, waived the right to review the order

25 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

26 Trustee:

☐ approved the form of this order ☐ disapproved the form of this order

☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed
written objection.

Submitted by:

/s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

Attorney for Secured Creditor